

REMARKS

Reconsideration of the above-identified patent application in view of the amendments above and the remarks following is respectfully requested.

Claims 1, 2, 4-21, 23-27, 30-33 and 35-49 are in this case. Claims 1, 2, 4-18, 20-21, 24-27, 30-33 and 35-49 have been rejected.

Claims 19 and 23 have been objected to.

Independent claims 1, 21, 27, 33, 36 and 45 and dependent claims 2, 6, 13, 23, 26, 30 and 35 have been amended.

New claims 51-54 have been added and include subject matter that has been deleted from amended claim 27.

Independent claim 1 has been amended by: (i) adding, in line 4, “of an instant voice message” after the word “fragments”; (ii) adding in line 5 - “to store said fragments” and in line 7 - “storing said other fragments”. The support for the amendment can be found throughout the specification, see for example: page 12, last 3 lines of the application as filed; (iii) adding, in line 5 - “already stored” after the word “stream”. The support for the amendment can be found at least on page 16, line 7; (iv) adding in lines 6-8: “while receiving other fragments of said instant voice message from said initiating user and storing said other fragments”. The support for the amendment can be found, in the application as filed, on page 8 lines 9-10, on page 9 lines 6-7, on page 12 lines 7-6 from the bottom, etc.

Independent claims 21, 33, 36 have been amended in a similar manner as claim 1. In addition, part of allowable claim 23 has been incorporated into claim 21 and canceled from claim 23.

Independent claim 27 has been amended by: (i) changing “by the target user, receiving...” to: “sending”...”to the target user”; (ii) adding in line 8, after “the smart notification”: “a specific number that can be dialed, so as to setup a call with the IVM server through a switch”. The support for the amendment can be found, in the application as filed, on

page 10 lines 7-12, 17-18; (iii) adding on line 11: “based on the specific number, dialed by the target user”. The support for the amendment can be found in the application as filed, at least in fig. 2c, step 287.

Independent claim 45 has been amended in a similar manner as claim 27.

Part of claim 27 has been canceled and added to new claims 51-54.

Claim 2 has been amended by adding part of the subject matter that was canceled from claim 1.

Claim 6 has been voluntarily amended, for purpose of clarification only, by changing the word “effect” to “switch”.

Claim 13 has been voluntarily amended by changing the word “said” to “a”.

Claim 26 has been amended so as to conform to amendments made in claims 21 and 23.

Claim 30 has been amended so as to conform to amendments made in claim 27.

Claim 35 has been amended so as to conform to amendments made in independent claim 33.

Applicants respectfully assert that the amendments to the claims add no new matter.

35 USC § 103 Rejections – Holt et al. ‘160 in view of Ball et al. ‘391

Claims 1-2, 4, 6-12, 21, 24-25, 33, 36-37 and 43-44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al., US Patent Publication No. 2003/0118160 A1 (henceforth, “Holt ‘160”), in view of Ball et al., US Patent No. 6,240,391 B1 (henceforth, “Ball ‘391”). The rejection is respectfully traversed.

Holt discloses a system and method that allows a subscriber to remotely monitor callers as they record messages to the subscriber's voice messaging service. A notification message is sent to the subscriber so as to inform the subscriber that a caller is recording a message to his voice messaging system and may provide an opportunity for the subscriber to monitor the call. If the subscriber accepts the invitation, a three-way conference call is established between (i) the caller at telephone 116, (ii) VMS server 108 that records the voice message, and (iii) the subscriber. i.e., the subscriber monitors the caller's message **as it is being recorded** to VMS server 108.

The voice message, as taught by Holt, **is sent in parallel to both the VMS server for recording and to the subscriber for monitoring**. Monitoring the message while being recorded implies that the subscriber can only listen to the voice message **in real-time**, while the caller is speaking (or/in addition, as in VMS servers known in the art – listen to the whole message only after the recording is completed). If the subscriber misses the opportunity to approve the monitoring of the call, he cannot listen to the message (or may miss the beginning of the message if the approving is delayed). Even if he could have request a late monitoring after the recording has been started, **he could only listen to the currently spoken voice (and miss earlier parts of the voice message)**. This limitation is due to the fact that the call is transferred **directly** to the subscriber (rather than an indirect transfer, through the VMS), in parallel to transferring the audio to the VMS, and thus buffering (i.e. temporal storing for allowing more flexible voice message playback) is not supported by Holt.

According to the present invention, on the other hand, the voice message is sent to the target user **indirectly**, i.e. through the IVM server that serves as a conduit for all communications between the initiating user and the target end-user(s), during an IVM session. This allows the IVM server to store fragments of the current instant voice message, so that the

target user can **retrieve at any time, the whole voice message, starting from the first stored fragment (or any other stored fragment) of the instant voice message, even while the instant voice message is being created.**

Independent claims 1, 21, 33 and 36 have been amended so as to include the limitation, as discussed above, of storing fragments, so that these stored fragments are streamed to the target, while other fragment of the IM message are still being received and stored.

Thus, Holt ‘160 does not teach an IVM server operative to **stream already stored fragments of the instant voice message** to at least one target user, **while receiving other fragments of the instant voice message** from the initiating user (emphasis added) – as recited in amended independent claim 1 and as similarly recited in amended independent claims 21, 33 and 36.

Ball ‘391 teaches a PML formatted voice message that is composed of textual and audio fragments, however Ball ‘391 does not cure the deficiencies of Holt ‘160.

Neither Holt ‘160 nor Ball ‘391, alone or in combination, teaches or suggests all the elements of independent claims 1, 21, 33 and 36. Accordingly, Applicant respectfully assert that independent claims 1, 21, 33 and 36 are allowable.

With independent claims 1, 21, 33 and 36 allowable in their present form it follows that claims 2, 4, 6-12, 24-25, 37 and 43-44 that depend therefrom also are allowable.

35 USC § 103 Rejections – Ruf et al. ‘155 in view of Amin et al. ‘307

Claims 27, 30-32, 38-41 and 45-49 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ruf et al., US Patent No. 7,013,155 B1 (henceforth, “Ruf ‘155”), in view of Amin, US Patent No. 6,418,307 (henceforth, “Amin ‘307”). The rejection is

respectfully traversed.

Ruf '155 teaches creating an instant voice message and sending an SMS notification to the recipient of the voice message, wherein the notification includes instructions for accessing the voice message from the IVR system. The instructions for accessing the IVR include a telephone number for accessing the IVR system and may also include information pertaining to the message such as a sender identifier, subject, time of creation, and location of sender.

The instructions for accessing the IVR, taught by Ruf '155, do not include information required for directly accessing a particular message within the IVR (especially, in case the recipient has multiple messages stored in the IVR). Furthermore, Ruf '155 does not teach or suggest a direct access to a message. Column 3 lines 8-11 describes an indirect access/ non-instant retrieval:

Once authenticated, the recipient **follows the instructions of the IVR system automated attendant to manage received voice messages.**

Furthermore, the term IVR means: “**Interactive** Voice Response”, which implies an interactive session for retrieval.

The present application, on the other hand, allows a direct access to a particular message and eliminates the need to start an interactive session with an IVR, i.e.: to listen to the system's greetings/ operational instruction and to listen to previous messages.

The direct access of the present application is achieved by providing a notification with a specific number that can be dialed, so as to setup a call with the IVM. A direct access to a particular message is enabled, based on the dialed number (see independent claims 27 and 45). There is no need to conduct an **interactive** session between the caller and the IVM, **as the information required for a particular message retrieval is included in the specific number, as dialed.** According to claim 51, the specific number includes a unique identification code for the particular instant voice message.

The specific number that is provided to the destination user by the notification, is recited in claims 27 and 45 and serves for 2 purposes:

- (i) the specific number can be dialed, by the destination user, so as to setup a

call, through a **public network** (e.g. a telephony network), to the IVM server (meaning that the telephony switch, coupled to the IVM server, has to **recognize the specific number as a valid dialed number that can establish a call**).

(ii) The IVM that receives the call, that was setup by dialing the specific number, enables the direct access to the particular message based on the specific number (or part thereof).

Paragraph [0087] of the present application, as published, defines the meaning of direct accessing:

The "instant retrieval" refers to direct access to the specific voice and/or fax and/or multi-media and/or unified message, without the need listen to previous messages and/or system's greetings and/or system's operational instructions.

Ruf '155 does not teach or suggest a number that is used for dialing the IVR through a public network (i.e. through a switch) and that the IVR can use the **dialed number** (or part thereof) for directly accessing a particular message, nor does Ruf '155 teaches a direct access, as defined by the present application.

It is also noted that Ruf '155 provides instructions that include a telephone number for accessing the IVR (i.e. one telephone number). The present application provides a dialable number per message, as implied by by claim 27 (**directly accessing said particular message, based on the specific number, dialed by the target user**).

Amin '307 discloses a method and system that delivers a voice mail notification to a subscriber of a voice mail system to indicate that a voice mail message is waiting in the subscriber mailbox. The notification includes a calling number ID, potentially the caller name (if available) and the index of the voice mail. Amin '307 teaches how a subscriber can retrieve a specific message by selecting a notification from the multiple notifications that are stored in his phone, see for example column 4 lines 66 to column 5 line 6:

The user of the phone can scroll up and down through the messages. When a particular message is desired, it is highlighted, as indicated by the dotted lines 126, and the send button 124 is then depressed. The particular highlighted message, in this case the

message from Joe. Naturally, if the subscriber knows a particular message which is desired such as message no. 5, messages can be scrolled until message no. 5 is highlighted. The send button 24 is depressed and message no. 5 retrieved.

The Examiner asserts that the above paragraph discloses a direct access to a specific message. However, the paragraph teaches finding a specific notification message (e.g. #5) within the storage of the user's phone. Only after the 'send' button 24 is depressed, the phone sends a request to the voice mail system for retrieval (see the citation below). Note that there's no disclosure of how voice mail system 102 retrieves the recorded voice of message no. 5 (after pressing the send button 24 of the phone for reaching the voice mail system) and nowhere in the specification does Amin '307 teach or suggest how voice mail system 102 retrieves a specific message that corresponds to the notification that was highlighted. Nevertheless, on column 5 lines 13-16, Amin '307 disclosure implies that there's a communication/instructions transfer between the phone and the system for playing the specific message:

As soon as the send or retrieve button is depressed, the phone dials the voice mail system and **communicates with the system, and instructs it** to play the specified message. (emphasis added)

The present application, on the other hand, eliminates the need to conduct communication and instructions exchange between the phone and the IVM. The information required for a specific message retrieval is **included in the specific number that was dialed** by the destination user, to gain access to the IVM. The Applicant makes a note that this dialed number is different from dialing DTMF codes that are usually used in IVRs. This can be learned from the fact that the dialed number is a number that the switch (e.g. a telephony switch) can use for switching the call (see claim 27: "...includes a specific number that can be dialed, so as **to setup a call** to the IVM server **through a switch**" – emphasis added).

Independent claims 27 and 45 have been amended so as to include the limitation of the specific number that serves as both: (i) a valid dialable number; and (ii) enabling direct access to a message.

Neither Ruf '155 nor Amin '307, alone or in combination, teaches or suggests all the

elements of independent claim 27. More particularly, Ruf ‘155 and Amin ‘307 do not teach or suggest:

directly accessing said particular message, based on the specific number, dialed by the target user. (emphasis added) – as recited in amended independent claim 27.

Where the specific number is defined, in claim 27, as:

a specific number that can be **dialed**, so as **to setup a call to the IVM server through a switch** (emphasis added)

Ruf ‘155 and Amin ‘307, alone or in combination, do not teach or suggest:

allowing the target user to **dial said specific number**, so as to setup a call, **through a switch**, with said IVM server; and **instantly retrieving** said instant voice message, **based on the specific number** (emphasis added) – as recited in amended independent claim 45.

Accordingly, Applicant respectfully assert that independent claims 27 and 45 are allowable.

With independent claims 27 and 45 allowable in their present form it follows that claims 30-32, 38-41 and 46-49 that depend therefrom also are allowable.

Although claim 52 (a new claim that includes subject matter that was canceled from claim 27) is allowable merely by virtue of depending from claim 27, Applicant takes the liberty of presenting an additional reason why this claim is allowable over the prior art cited by the Examiner. Neither Ruf ‘155 nor Amin ‘307 teaches or suggests (and the Examiner does not assert that these references teach or suggest) that the smart notification is a caller ID (that is displayed on the list of missed or incoming calls of the destination user’s phone).

Claims 5 and 13-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Holt ‘160, in view of Ball ‘391, and further in view of Corliss et al., US Patent No. 6,771,949 (henceforth, “Corliss ‘949”). The rejection is respectfully traversed.

It is demonstrated above that independent claim 1 is allowable in its present form. It follows that claims 5 and 13-17 that depend therefrom also are allowable.

**35 USC § 103 Rejections – Holt et al. ‘160 in view of Ball et al. ‘391, Corliss ‘949 and
Diacakis ‘774**

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Holt ‘160, in view of Ball ‘391 and Corliss ‘949, and further in view of Diacakis, US Patent Publication No. 2002/0120774 A1 (henceforth, “Diacakis ‘774”). The rejection is respectfully traversed.

It is demonstrated above that independent claim 1 is allowable in its present form. It follows that claim 18 that depends therefrom also is allowable.

35 USC § 103 Rejections – Holt et al. ‘160 in view of Ball et al. ‘391 and McZeal ‘226

Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Holt ‘160, in view of Ball ‘391, and further in view of McZeal, Jr, US Patent No. 6,763,226 B1 (henceforth, “McZeal ‘226”). The rejection is respectfully traversed.

It is demonstrated above that independent claim 1 is allowable in its present form. It follows that claim 20 that depends therefrom also is allowable.

35 USC § 103 Rejections – Holt et al. ‘160 in view of Ball et al. ‘391 and Grabelsky ‘046

Claim 26 was rejected under 35 U.S.C. 103(a) as being unpatentable over Holt ‘160, in view of Ball ‘391, and further in view of Grabelsky et al., US Patent Publication No. 2004/0003046 A1 (henceforth, “Grabelsky ‘046”). The rejection is respectfully traversed.

It is demonstrated above that independent claim 21 is allowable in its present form. It follows that claim 26 that depends therefrom also is allowable.

35 USC § 103 Rejections – Holt et al. ‘160 in view of Ball et al. ‘391 and Ruf ‘155

Claim 35 was rejected under 35 U.S.C. 103(a) as being unpatentable over Holt ‘160, in view of Ball ‘391, and further in view of Ruf ‘155. The rejection is respectfully traversed.

It is demonstrated above that independent claim 33 is allowable in its present form. It follows that claim 35 that depends therefrom also is allowable.

35 USC § 103 Rejections – Holt et al. ‘160 in view of Ball et al. ‘391 and Moore ‘961

Claim 42 was rejected under 35 U.S.C. 103(a) as being unpatentable over Holt ‘160, in view of Ball ‘391, and further in view of Moore et al., US Patent Publication No. 2003/0193961 A1 (henceforth, “Moore ‘961”). The rejection is respectfully traversed.

It is demonstrated above that independent claim 36 is allowable in its present form. It follows that claim 42 that depends therefrom also is allowable.

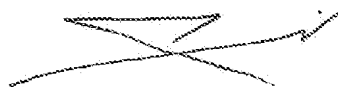
Allowable Subject Matter

In the Office Action, the Examiner stated that claims 19 and 23 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claim.

Claim 21 has been amended to include part of claim 23 that is allowable, therefore independent claim 21 is allowable.

In view of the above amendments and remarks it is respectfully submitted that claims 1-2, 4-21, 23-27, 30-33, 35-49 are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

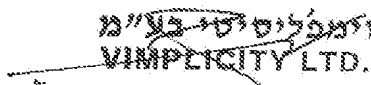
Respectfully submitted,



Moshe Weiner

Applicant

Date: June 11, 2011



וימפליסיטי בע"מ
VIMPLICITY LTD.